

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA     )  
                                      )  
                  v.                     )     Case No. 4:10CR3019-001  
                                      )  
ELIZABETH A. VANCE             )  
                  Defendant.        )

ORDER TO REDUCE TERM  
OF IMPRISONMENT TO TIME SERVED

**BEFORE THE COURT** is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Elizabeth A. Vance, to time served, and commencement of a five-year term of supervised release previously imposed. The Court finds:

1. Defendant, Elizabeth A. Vance, pled guilty to violating 21 U.S.C. § 841(b)(1) and § 846, Conspiracy to Distribute Crack Cocaine, and 21 U.S.C. § 853, Forfeiture.

2. Ms. Vance was sentenced on February 24, 2011, in the United States District Court for the District of Nebraska, to a 120-month term of imprisonment, followed by a five-year term of supervised release.

3. Her projected release date is January 21, 2019. It is unlikely she will survive to that date.

4. Ms. Vance, age 34, has been diagnosed with Stage IV breast cancer with metastatic disease to the liver, lung, sternal bone and lymph nodes. In spite of aggressive treatment, the disease is progressing. She is currently ambulatory but very weak. Her condition is terminal and her life expectancy is less than 12 months.

5. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the Defendant's terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

**IT IS THEREFORE ORDERED** that the defendant's term of

imprisonment is hereby reduced to the time she has already served.

**IT IS FURTHER ORDERED** that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as her medical condition permits, the release plan is implemented, and travel arrangements can be made.

**IT IS FURTHER ORDERED** that upon her release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the five-year term of supervised release previously imposed.

**DONE AND ORDERED THIS 10<sup>th</sup> DAY OF SEPTEMBER 2012.**

BY THE COURT:

s/ *Richard G. Kopf*

Senior U.S. District Judge